



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/506,543

10/13/2004

Kjell Olmarker

003301-175

1315

21839 7590 10/03/2008
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

PROUTY, REBECCA E

ART UNIT

PAPER NUMBER

1652

NOTIFICATION DATE

DELIVERY MODE

10/03/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No. 10/506,543	Applicant(s) OLMARKER, KJELL	
	Examiner Rebecca E. Prouty	Art Unit 1652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46 and 49-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 46 and 49-56 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1652

Claims 1-45, 47 and 48 have been canceled. Claims 46 and 49-56 are at issue and are present for examination.

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:2.

Group II, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:3.

Group III, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:4.

Group IV, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:5.

Group V, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:8.

Group VI, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:31.

Art Unit: 1652

Group VII, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:32.

Group VIII, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:33.

Group IX, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:34.

Group X, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:3.

Group XI, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:35.

Group XII, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:36.

Group XIII, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:37.

Group XIV, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:47.

Group XV, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:49.

Art Unit: 1652

Group XVI, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:51.

Group XVII, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:63.

Group XVIII, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:67.

Group XIX, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:70.

Group XX, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:72.

Group XXI, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:73.

Group XXII, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:74.

Group XXIII, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:80.

Group XXIV, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:81.

Art Unit: 1652

Group XXV, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:82.

Group XXVI, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:83.

Group XXVII, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:87.

Group XXVIII, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:88.

Group XXIX, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:89.

Group XXX, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:90.

Group XXXI, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:91.

Group XXXII, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:92.

Group XXXIV, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:93.

Art Unit: 1652

Group XXXV, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:94.

Group XXXVI, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:95.

Group XXXVII, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:96.

Group XXXVIII, claim(s) 46, and 49-56, drawn to methods for treating a wound or improving wound healing comprising administering the peptide of SEQ ID NO:97.

The inventions listed as Groups I-XXXVIII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the only shared technical feature of these claims is a method of treating a wound or improving wound healing comprising administering a peptide comprising a peptide derived from amino acids 12-40 of human lactoferrin. However such methods do not define a contribution over the art as they are either taught by Reuben et al. (US PG-PUBS 2002/0072596) or obvious over Mita et al. (US Patent No. 5,561,109) in view of Rekdal et al as explained in the previous office action. As such the inventions lack unity of invention.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rebecca E. Prouty whose telephone number is 571-272-0937. The examiner can normally be reached on Tuesday-Friday from 8 AM to 5 PM. The examiner can also be reached on alternate Mondays

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nashaat Nashed, can be reached at (571) 272-0934. The fax phone number for this Group is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rebecca Prouty/

Application/Control Number: 10/506,543

Page 8

Art Unit: 1652

Primary Examiner
Art Unit 1652